

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 10th day of February, 2022 at 7:00 P.M., and there were

PRESENT: ANTHONY CASTELLANA, MEMBER

 JOHN MIKOLEY, MEMBER

 * KEITH STOERR, MEMBER

 PETER SUGG, MEMBER

 MARK TILLMANNS, MEMBER

 JILL MONACELLI, CHAIRMAN

ABSENT: CARLO DIRIENZO, MEMBER

ALSO PRESENT: DIANE M. TERRNOVA, TOWN CLERK

 MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

* Mr. Stoerr arrived at 7:05 pm.

PETITION OF: KEVIN PETERS

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Kevin Peters, 487 Schwartz Road, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a pole barn on premises owned by the petitioner at 487 Schwartz Road, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for constructing a 1,440 square foot pole barn.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires a maximum accessory structure size of 1,250 square feet. The petitioner, therefore, requests a 207 square foot variance.

- B. A variance from the requirements of Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for constructing a seventeen [17] foot, eight [8] inch pole barn.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires a maximum accessory building height of sixteen [16] feet. The petitioner, therefore, requests a one [1] foot, eight [8] inch variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Kevin Peters, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: KEVIN PETERS

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. SUGG, WHO MOVED ITS
ADOPTION, SECONDED BY MR. TILLMANN
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Kevin Peters and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of February 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the present owner of the premises in question.

WHEREAS, the property for which the applicant is petitioning is within a Agricultural District, (AR) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is
hereby **GRANTED**.

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call which resulted as follows:

MR. CASTELLANA	VOTED YES
MR. DIRIENZO	WAS ABSENT
MR. MIKOLEY	VOTED YES
MR. STOERR	ABSTAINED
MR. SUGG	VOTED YES
MR. TILLMANNS	VOTED YES
MS. MONACELLI	VOTED YES

The resolution granting the variance was thereupon **ADOPTED**.

February 10, 2022

PETITION OF: RUSSELL SALVATORE

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Russell Salvatore, 6461 Transit Road, Lancaster, New York 14086 for one [1] variance for the purpose of installing an outdoor patio enclosure with open air seating on premises owned by the petitioner at 6461 Transit Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 32 of the Code of the Town of Lancaster. The request calls for installing an outdoor patio sixty-one [61] feet, ten [10] inches from the centerline of Transit Road.

Chapter 400, Zoning, Section 32 of the Code of the Town of Lancaster requires ninety [90] foot setback from Transit Road. The petitioner, therefore, requests a twenty-eight [28] foot, two [2] inch variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning, New York State Department of Transportation and the Town of Cheektowaga of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Stephen Geltz, Representing Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: RUSSELL SALVATORE

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. STOERR, WHO MOVED ITS
ADOPTION, SECONDED BY MR. SUGG
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Russell Salvatore and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of February 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the present owner of the premises in question.

WHEREAS, the property for which the applicant is petitioning is within a General Commercial District, (GC) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is
hereby **GRANTED**.

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call which resulted as follows:

MR. CASTELLANA	VOTED	YES
MR. DIRIENZO	WAS ABSENT	
MR. MIKOLEY	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNS	VOTED	YES
MS. MONACELLI	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED**.

February 10, 2022

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting
was adjourned at 7:15 P.M.

Signed _____
Diane M. Terranova, TOWN CLERK and
Clerk to Zoning Board of Appeals
February 10, 2022